

Response

A. Introduction

Claims 1-46 were pending in the application prior to entry of the preceding amendments, and *claims 1-15, 21-37, and 39-53* are pending now. The Examiner initially rejected the previously-pending claims, contending:

1. Claims 11-12, 17-21, 27, 31, and 34 are indefinite, in that they lack antecedent basis for terms or phrases appearing therein;
2. Claims 1-6, 9-11, 16, 26-33, and 41 are anticipated by U.S. Patent No. 5,934,178 to Caridis, et al.;
3. Claim 8 is obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 2,563,253 to Levin;
4. Claims 14-15 are obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 5,277,105 to Bruno, et al.;
5. Claims 7, 21-25, and 43 are obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 3,548,152 to Klepzig;
6. Claims 12-13 are obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 4,924,763 to Bingham;
7. Claims 16-20 are obvious in view of combined disclosures of the Caridis, Bruno, and Bingham patents and U.S. Patent No. 5,717,192 to Dobie, et al.;
8. Claims 34-36 are obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 6,655,373 to Wiker;
9. Claim 37 is obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 6,012,442 to Faraj;
10. Claim 38 is obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 4,737,373 to Forney;
11. Claim 39 is obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 6,114,664 to Cook, et al.;
12. Claim 40 is obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 5,927,265 to McKee, et al.;

13. Claim 42 is obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 6,713,741 to Miller; and

14. Claims 44-46 are obvious in view of combined disclosures of the Caridis patent and U.S. Patent No. 6,250,296 to Norris, et al.

Without conceding the correctness of any rejection of the Examiner, Applicant has elected to revise various claims of the application to moot the Examiner's concerns.

B. Section 112 Rejections

In response to the Examiner's rejections under Section 112, Applicant has revised claims 11 and 34 to change "thermal" to "heating," modified the dependency of claim 12, and amended claims 27 and 31 (among others) to introduce expressly various walls of a cooking chamber. Applicant additionally has cancelled claims 17-20 without prejudice. Applicant believes these revisions resolve all indefiniteness concerns identified by the Examiner except that in connection with claim 21.

According to the Examiner, claim 21 is indefinite because it purportedly lacks antecedent basis for the phrase "the cooking chamber." Applicant disagrees, as claim 1 (from which claim 21 depends) expressly introduces "a housing defining *a cooking chamber*." Applicant accordingly requests that the Examiner reconsider and withdraw any Section 112 rejection of claim 21.

C. Sections 102(b)/103(a) Rejections

Citing principally the Caridis patent, the Examiner initially rejected all of the previous-pending claims. Applicant does not concede the correctness of these rejections, at least in part because Applicant believes the Caridis patent fails to teach or suggest configuring gas-directing means so as to cause gas "to collide" either upon

or above, or upon or below, a respective upper or lower surface of a food product.

However, to expedite issuance of a patent, Applicant nevertheless has revised independent claims 1 and 2 to include numerous features not contemplated by the Caridis patent or other references of record.

In particular, each of these claims now recites:

- means for supplying microwave energy to a cooking chamber within the cooking tunnel;
- moveable ingress and egress doors to inhibit escape of microwave energy from the cooking tunnel;
- closure of the doors when microwave energy is being supplied to a cooking zone and opening of at least one door when the belt is conveying food product between cooking zones; and
- a belt configured both to convey food product between cooking zones and to cause the food product to dwell for a controllable length of time in a cooking zone.

By contrast, *all* of these features are lacking from the oven of the Caridis patent. That oven instead cooks *solely* through heated air impinging on food product. See Caridis, col. 8, ll. 56 through col. 9, l. 1. Indeed, the Caridis patent even appears to belittle use of microwave energy for cooking, ascribing that result as characteristic of unsatisfactory air impingement oven designs. See id., col. 1, ll. 23-27 (microwave generators sometimes utilized when “impingement cooking, by itself, is not entirely satisfactory and needs supplementation”). Accordingly, the Caridis patent neither discloses nor suggests *any* means for inhibiting escape of microwave energy from an oven, much less the moveable doors configured as identified in independent claims 1 and 2.

Furthermore, belt 13 of the device of the Caridis patent moves *continuously* in operation. See id., col. 8, l. 32 through col. 9, l. 33. It thus fails to cause food product to *dwell* in a cooking zone *for any controllable length of time*. For at least this additional reason, therefore, the Caridis patent fails to contemplate aspects of Applicant's claimed invention.

Nor are the multiple deficiencies of the Caridis patent cured by any of the other patents cited by the Examiner. Hence, even assuming (but not conceding) someone skilled in the art would know to make the combinations of disclosures suggested by the Examiner, such combinations would not produce the invention of independent claims 1 and 2. Applicant hence believes multiple reasons support allowance of claims 1-15, 21-37, and 39-46. Furthermore, because one or more of these distinguishing features also are recited in each of new claims 47-53, Applicant believes these claims are allowable as well.

D. Fees

Attached is authorization to charge a credit card for \$52.00 for fees associated with Applicant's presentation of additional claims. Applicant believes no other fee presently is due. However, if Applicant's belief is mistaken, the Commissioner is authorized to debit Deposit Account No. 11-0855 for any additional fee due as a consequence of Applicant's submission of this paper.

Conclusion

Applicant requests that the Examiner allow claims 1-15, 21-37, and 39-53 and that a patent containing these claims issue in due course.

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Respectfully submitted,



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